

DETAILED ACTION

1. This application claims benefit of the foreign applications:

France 0400123 with a filing date 01/08/2004; and France 0409257 with a filing date 09/01/2004. The English-translated versions of the certified foreign priority documents have been filed to the Office, the instant foreign priority has been granted.

2. Amendment of claim 19, 30-33, 35-36, cancellation of claims 20-29, and addition of claims 37-38 in the amendment filed on December 18, 2008 is acknowledged. Claims 19 and 30-38 are pending in the application. No new matter has been found. Since the newly added claims 37-38 are commensurate within the scope of the invention, claims 19 and 30-38 are prosecuted in the case.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with B. J. Sadoff on February 25, 2009. The application has been amended as follows:

In claim 19, page 3, lines 19-20, delete ", with the exception of compounds represented by formula (I) in which R₃ and/or R'₃ represents a heterocycle group selected from dithiolane or morpholine"

In claim 30, line 2, after "one of the", delete "groups G_i or G'_i represents a sulfur atom with I taking the value 3 or 7", and insert

-- G₃, G'₃ or G₇ represents a sulfur atom--

Delete claims 33, and 36-38.

Reasons for Allowance

4. Since claim 36 has been canceled, then rejection of claim 36 under 35 U.S.C. 112, first paragraph has been obviated herein.
5. The rejection of claims 32 and 35 under 35 U.S.C. 112, second paragraph has been overcome in the amendment filed on December 18, 2008.
6. Since the instant variables X₂, X₂, X₆ and X₈ independently represent alkyl, group, the rejection of claims 19, 31-32 and 34-35 under 35 U.S.C. 102(a) or 103(a) over Najib et al. has been overcome in the amendment December 18, 2008. Since claims 20-29 and 36 have been canceled, the rejection of claims 20-29 and 36 under 35 U.S.C. 102(a) or 103(a) has been obviated herein.
7. Since the instant variables X₂, X₂, X₆ and X₈ independently represent alkyl, group, the rejection of claims 19, 30-32 and 34-35 under the obviousness-type double patenting over Najib et al. co-pending application No. 10/520,078 or 10/520,079 has been overcome in the amendment filed on December 18, 2008. Since claims 20-29 and

36 have been canceled, the rejection of claims 20-29 and 36 under the obviousness-type double patenting has been obviated herein.

8. Claims 19, 30-32 and 34-35 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. A suggestion for modification of a reference to obtain the instant compounds/compositions has not been found. Claims 19, 30-32 and 34-35 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rei-tsang Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 1626

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/REI-TSANG SHIAO/
Primary Examiner, Art Unit 1626

February 25, 2009